

PTO
AUG 09 2006
U.S. PATENT & TRADEMARK OFFICE

PTO
AUG 09 2006
U.S. PATENT & TRADEMARK OFFICE

Flu

PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/781,395

Filing Date

February 18, 2004

First Named Inventor

John H. Gillen

Art Unit

3634

Examiner Name

Jerry E. Redman

Attorney Docket Number

1-15972

ENCLOSURES

(Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Return Postcard

Remarks

Interview Summary

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MARSHALL & MELHORN, LLC

Signature

Stephen G. Kimmet

Printed name

Stephen G. Kimmet

Date

8-7-06

Reg. No.

52,488

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Roberta A. Winzeler

Typed or printed name

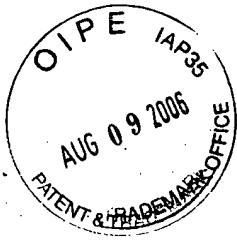
Roberta A. Winzeler

Date

8-7-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 7, 2006

Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
John H. Gillen)	Group Art Unit: 3634
)	
Serial No.: 10/781,395)	Examiner: Jerry E. Redman
)	
Filing Date: February 18, 2004)	Attorney Docket: 1-15972
)	
For: POWER SLIDER DRIVE)	
INTERFACE)	

August 7, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Honorable Sir:

Applicant submits this summary of the telephone interviews between Examiner Redman and applicant's counsel that occurred on June 21 and July 12, 2006, in regard to the first Office Action on the merits of June 9, 2006. The interviews dealt with the withdrawal of claims 1-11 in the first Office Action.

The Examiner stated that he had measured in Fig. 2A a difference in the width between the driver 22 and the receiver 34 of approximately 1/16". From this the

Appl. No.10/781,395
Interview Summary Dated August 7, 2006
Interviews of June 21 and July 12, 2006

Examiner concluded that the driver 22 and receiver 34 could not be brought into contact with one another, as independent claim 1 requires.

It was applicant's position, however, that 1/16" would be enough space to allow for bringing the driver 22 into contact with the receiver 34. Furthermore, applicant asserted that patent drawings are not intended to define precise proportions of the elements of the invention and that the specification must be utilized in conjunction with the drawings, as the courts have decided in *In re Chitayat*, 161 USPQ 224 (CCPA 1969) and *Hockerson-Halberstadt Inc. v. Avia Group International Inc.*, 55 USPQ2d 1487 (CAFC 2000).

Applicant cited, for example, the following locations in the specification that support claims 1-11 being illustrated in Figs. 1, 2A, 3, and 4.

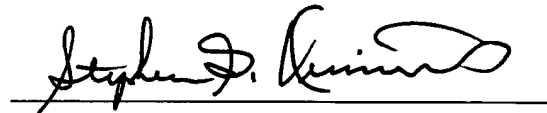
At page 5, lines 10-12 it states that the movement of the slider panel 46 is smooth, at page 6, lines 6-10 it states that the surfaces 24,26,36,38 are not rigidly attached, at page 6, lines 15-19 it states that the present invention allows for substantial misalignment, at page 7, line 5-10 it states that the contact surfaces are brought into non-attached pushing or pulling mechanical contact, and at page 7, lines 12-17 it states that first and second drive bumpers 42, 44 are disposed on the receiver contact surfaces 36,38, so as to cushion the mechanical impact forces that would be applied to the receiver contact surfaces 36, 38 by the mechanical contact from the driver contact surfaces 24, 26.

Appl. No.10/781,395
Interview Summary Dated August 7, 2006
Interviews of June 21 and July 12, 2006

There is no mention in the disclosure of a "friction fit" or "tolerances" as the Examiner further asserted in the telephone interviews.

Thus, applicant respectfully asserted that the patent drawings do properly illustrate that the driver 22 and the receiver 34 can be brought into contact with one another (as independent claim 1 requires), that the drawings are not intended to define precise proportions of the elements of the invention, that the specification must be utilized in conjunction with the drawings, and that all claims 1-13 read on species-Group I (Figs. 1, 2A, 3, 4).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Kimmet", is written over a horizontal line.

Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS
Marshall & Melhorn, LLC
Four SeaGate – 8th Floor
Toledo, Ohio 43604
Phone: (419) 249-7132
Fax: (419) 249-7151